

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

JAN 24 2001

Ex parte LIGIA DOMINGUEZ DE WALTER,
BANKS B. MOORE and PETER KLEIN

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Appeal No. 1998-3148
Application 08/520,662

ORDER REMANDING TO EXAMINER

On November 4, 1996 (Paper No. 10), Appellants filed an Amendment after the Final Rejection. The Examiner filed an Advisory Letter (mailed December 3, 1996; Paper No. 11) stating "Upon the filing an appeal, the amendment will be entered. On April 14, 1997 (Paper No. 15) the Appellants filed an Appeal Brief. Due to entry of this amendment, (amending claim 1), appellants' Appeal Brief is defective, for it is no longer accurate in the status of any amendment filed subsequent to the final rejection, nor does Appellants' Brief contain an accurate Appendix. Title 37 CFR § 1.192(c)(9) (1998) requires that the Appendix to the Appeal Brief contain a correct copy of the claims involved in the Appeal. In the current status, the Appeal Brief is not in compliance with 37 CFR § 1.192(c)(9).

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Accordingly, it is

ORDERED that the application is remanded to the Examiner for resolution of the following issues:

- (a) the entry status of the Amendment filed November 4, 1996;
- (b) notification in writing to appellants for submission of a corrected Appendix to replace the existing defective Appendix; or
- (c) issuance of a supplemental Examiner's Answer by the examiner to officially correct the Appendix; and
- (d) for any further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

Dale M. Shaw
Program and Resource Administrator
(703) 308-9797

DMS:caw

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John M. Genova
Hoechst Celanese Corporation
86 Morris Avenue
Summit, NJ 07901